

I further announce that, if present and voting, the Senator from Montana (Mr. BAUCUS) would vote “aye.”

The PRESIDING OFFICER (Ms. HEITKAMP). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 202 Ex.]

YEAS—64

Alexander	Hagan	Murphy
Baldwin	Harkin	Murray
Begich	Hatch	Nelson
Bennet	Heinrich	Portman
Blumenthal	Heitkamp	Pryor
Blunt	Hirono	Reed
Boxer	Isakson	Reid
Brown	Johnson (SD)	Rockefeller
Cantwell	Kaine	Sanders
Cardin	King	Schatz
Carper	Klobuchar	Schumer
Casey	Landrieu	Shaheen
Chambliss	Leahy	Stabenow
Chiesa	Levin	Tester
Collins	Manchin	Udall (CO)
Coons	Markey	Udall (NM)
Corker	McCain	Warner
Donnelly	McCaskey	Warren
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

NAYS—35

Ayotte	Flake	Paul
Barraso	Graham	Risch
Boozman	Grassley	Roberts
Burr	Heller	Rubio
Coats	Hoeven	Scott
Coburn	Inhofe	Sessions
Cochran	Johanns	Shelby
Cornyn	Johnson (WI)	Thune
Crapo	Kirk	Toomey
Cruz	Lee	Vitter
Enzi	McConnell	Wicker
Fischer	Moran	

NOT VOTING—1

Baucus

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid on the table, and the President will immediately be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

The Senator from Arkansas.

ORDER OF PROCEDURE

Mr. PRYOR. I ask unanimous consent that at 2:15 p.m. the Senate be in a period of morning business until 2:30 p.m., with the time controlled by Senator UDALL of Colorado and Senator BENNET; further, that at 2:30 p.m. the Senate resume consideration of S. 1392.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. BALDWIN).

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will be a period of morning business until 2:30 p.m., with the time controlled by the Senator from Colorado.

The Senator from Colorado.

COLORADO FLOODS

Mr. UDALL of Colorado. Madam President, I thank the Chair for the recognition, and I rise today to talk about the unimaginable losses all of us in Colorado have experienced over this last week.

While much of the Nation's attention was focused on Syria or on the activities here in Washington, those of us in Colorado watched rain fall for 1, 2, 3, and 4 days straight with no end in sight. Creeks, such as the one that runs behind my home in Eldorado Springs, swelled. Culverts, such as those in Commerce City, quickly filled with rushing water. Rivers, such as the Big Thompson near the beautiful town of Estes Park, turned into walls of water that threatened entire communities. From the foothills of the Rocky Mountains to the Eastern Plains, rivers overtopped their banks—crumbling highways, drowning family homes, and transforming entire farms into lakes.

Many Americans have seen photos like this one that show the widespread and indiscriminate path of the floodwaters. In some places even today entire communities are still underwater, with families and homes uprooted by the ferocious strength of nature.

We say that water makes the West possible, but this past week Mother Nature gave us rain for 5 straight days, and now at least eight people are dead and hundreds are still missing or in need of rescue. We pray that we find every single one of those missing persons alive and in good health.

As of today the President has issued major disaster declarations for 4 counties and 15 counties are in a state of emergency, where lifesaving rescue efforts are still underway. In these areas active search and rescue operations are being conducted 24 hours a day by the Colorado National Guard, local police and fire departments, and rescue teams flown in from across the State and around our country. At least 19,000 homes have been damaged or destroyed. Several towns, such as Jamestown and Lyons, have been washed out and lack even the most basic public services. The town of Estes Park, which I mentioned earlier, the gateway community to the Rocky Mountain National Park, has literally been cut off from the rest of the State because the two major highways to it have literally been destroyed and the only access road will soon be closed for the winter.

There are some wonderful, inspiring stories that have come out of these events that we couldn't possibly comprehend or predict, and I want to start with the National Guard.

The National Guard has been amazing, doing outstanding work and rescuing thousands of Coloradans who have been affected by this disaster. They tell me that more people have been rescued by air in the past few days than at any time since the devastation we saw with Hurricane Katrina.

We saw—Senator BENNET, who is here with me, and I, along with the Governor and many members of our congressional delegation—the devastation from these floods with our own eyes. Just a few days ago—Saturday, to be exact—Senator BENNET and I joined others to fly over flooded areas in Boulder and Larimer Counties with a Colorado National Guard unit. At one point, as we circled over an area, we spotted a couple of families waving for help. We were able to land and be a part of the effort that brought them out of one of those isolated situations. That experience impressed upon me the very human side of this disaster.

As we all know, behind these graphic images being shown on TV are the lives of thousands of Colorado families, some forever changed. While so much of this disaster has taken on the grand proportions of a historic disaster, those whose lives have been affected by this flood have endured it on a very personal scale. I think this photograph says it all. It is the family who has to dig through mud and debris just to get into their kitchen or the older couple who returns from the evacuation to see their lifelong home completely destroyed or even, as I mentioned earlier, the extended family members who sit by the phone waiting for a call from a missing aunt, a niece, a child, or a friend. These are the very human faces of this tragedy.

This is a tragedy from which we can't recover alone. The outpouring of support from our friends and neighbors has been crucial to early response efforts, and this generosity will only strengthen us as we begin to recover. After all, there is no “I” in Colorado, and it is this strong sense of community which will allow us to recover from this disaster and to rebuild stronger and more resolute than before.

We are also going to rely on the full support of our Federal partners. I have long supported disaster aid, such as during Hurricanes Sandy and Katrina, as well as when we have experienced other countless acts of God, and now it is time for us to come together as one Nation and rebuild.

This will not be fast. It will not be easy. Many of our narrow mountain highways that had been carefully built through steep canyons have been destroyed and washed downstream. These highways, such as those in the Presiding Officer's State, are the economic basis for our Mountain State. Without them, trade and movement of any kind comes to a complete standstill.

I took this photo as we flew over what looks to be a river, but it actually used to be a stretch of U.S. Highway 34 outside of Estes Park. That

major east-west highway is gone. In looking at this photograph and seeing what Senator BENNET and I and many others saw on Saturday, it is one of those “oh my God” moments over and over again. Mother Nature has literally rewritten the map. This isn’t an isolated incident in this canyon. There are dozens of these washouts, as we see here.

That is why I am going to fight in this Congress for full Federal support for recovery and rebuilding efforts. I am confident the support will be there, just as it was for so many others in their time of need.

In the meantime, individuals and businesses that are still dislocated or figuring out the extent of their damage must take action. So I want to share some advice I have received from FEMA and the other agencies involved.

If your home was damaged because of the storms of the past week, please go to DisasterAssistance.gov to view Federal assistance that may be available to you and to submit your claim. So that is right here—DisasterAssistance.gov. I urge everybody to go there and enroll, if you will, on that Web site.

If you operate a small business that has been affected by the flooding, you should register your claim with the Small Business Administration by going to DisasterLoan.SBA.gov. Again, if you have a small business and you have been affected by the flooding, go to this Web site: DisasterLoan.SBA.gov.

If you are just looking, as so many people are, for a way to help the people suffering from this disaster, go to HelpColoradoNow.org, where the State of Colorado has pooled resources to assist those in need.

Madam President, as I conclude, again I want to reference that in so many ways the history of our part of the Nation—the West—has been a story of water, but now that very resource that is our lifeblood is writing a new chapter in our history as it runs uncontrolled over every road, field, and structure in its path. But we are Colorado tough and we are rugged cooperators, and our spirit of strengthened independence has seen us through the most trying of times. It will see us through these days of loss and hardship.

I thank the Chair for her attention and her support, and I yield the floor to my colleague and friend MICHAEL BENNET.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Madam President, I would like to thank my colleague MARK UDALL for summarizing so well what we are facing out in Colorado. I thought I would share a few of my thoughts too.

As Senator UDALL said, our State is in the midst of unprecedented flooding that has wiped out entire communities in over a dozen counties across Colorado. Last week rain began to fall

across our State, across the Colorado Front Range, and it didn’t let up. A lot of reports have termed this historic, but to get your head around the scale and scope of the damage it is important to express what that means in hard numbers.

In the course of 1 week, 21 inches of rain fell in parts of Boulder, including over 9 inches on September 12 alone. The previous alltime high for a single day in Boulder was 4.8 inches in 1919, and they have kept records since 1893. The average annual precipitation in Denver is 14.9 inches—for an entire year. On September 12, 11.5 inches poured down in Aurora. Just to give a sense of the order of magnitude, that is almost as much rain as it typically gets in 1 year—in 1 day. It was the same story all across the Colorado Front Range. The result was flooding, destruction, and tragedy on an unprecedented and unmanageable scale.

Based on the latest estimates, over 17,000 homes were seriously damaged, over 1,500 homes were completely destroyed, and over 2,300 agricultural properties were flooded. In just Larimer County alone, they estimate that 200 businesses were destroyed and 500 more were damaged. At least 30 highway bridges were destroyed, and at least 20 more were seriously damaged. Hundreds of miles—hundreds of miles—of major roads have been washed away, as Senator UDALL said. The floodwaters consumed more than 2,000 square miles across 15 counties along the Front Range—an area about twice the size of Rhode Island. Because the rain is just finally letting up and emergency officials are only beginning to measure the magnitude of this rain, these numbers could easily go up, and they could go up a lot.

As recently as yesterday morning, 4 days after the flooding reached a crisis, over 1,000 Coloradans are still stranded and awaiting evacuation, with hundreds still not accounted for. Tens of thousands were forced to evacuate, and many had to abandon their homes within minutes, grabbing whatever they could carry and wading through rising waters to seek shelter and safety. Most tragic of all, eight Coloradans are either confirmed or presumed dead as a result of this storm. Those are just some of the numbers and a taste of the pain this disaster has brought to cities and counties across our State.

As Senator UDALL mentioned, over the weekend I joined him and Governor Hickenlooper and others on a helicopter tour of the damage, and from the air the scope and scale of the destruction boggles the mind. Here is some of what we saw. These photos were taken from the Denver Post and other media.

Here is an image showing dozens of vehicles flooded in Greeley, CO.

Here is a home and a car stranded after a flash flood destroyed a bridge near Golden. Dozens of other bridges also collapsed.

This is a picture of the Big Thompson River washing out the Loveland Water Storage Reservoir.

In this picture, young Casey Roy, 9 years old, is looking through a window into her family’s basement under 3 feet of water. And there are thousands of families in Colorado just like Casey’s.

Finally, this image shows the Big Thompson River overflowing and tearing apart Colorado U.S. 34 in the Big Thompson Canyon—another example of the damage to the infrastructure across our State.

Madam President, how much time is remaining?

The PRESIDING OFFICER. No time is remaining.

Mr. BENNET. I ask unanimous consent for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. I won’t go on too much longer, but in addition to showing these images, I do want to pass along a few of the stories we are hearing from Colorado families from the past week.

In Jamestown, a small mountain community of just a few hundred people in the mountains northwest of Boulder, a mudslide destroyed the home of 72-year-old Joey Howlett, a pillar of that community. It killed him. In the hours that followed, Jamestown residents pooled their resources so that no one was without food or shelter. The town, isolated from outside assistance, was literally split in two by the flood, so they rigged a pulley system to carry food, medicine, and supplies across the rising waters to fellow townspeople.

Just outside of Lyons, CO, four adults, three children, and two dogs had to scramble up hills and across ledges with no trails to escape the floodwater. At one point they literally had to make a human chain across waist-deep water so nobody would be carried away. These are a few of the thousands of stories from across our State.

We know these floods are devastating. We know the loss some Colorado families feel today is beyond words. We know some have lost loved ones, and many others have lost homes and businesses that took them decades to build. But stories such as this remind me Coloradans are resilient, that the worst disasters often bring out the best in our neighbors. All across the State we have seen Coloradans of different ages, backgrounds, and beliefs pull together and help each other get through this massive storm. We saw real heroism a thousand times a day as first responders and National Guardsmen risked life and limb to carry the young, the old, the vulnerable, and the injured to safety.

I close by saying thank you to the FEMA Administrator for his prompt response to our request to declare a disaster. He would not let me leave the floor without saying that if you are in Boulder, Weld, Adams, or Larimer Counties, and impacted, you can go to

disasterassistance.gov or call 1-800-621-FEMA to register for disaster assistance.

As we move from rescue to recovery, frustration and enormous challenges lie ahead. We know in the coming weeks, months, and even years Colorado is going to face a lot of rebuilding, and we will rise to this occasion. We will build it back better than it was before it was destroyed. We are going to fight every day for Colorado families, many of whom have lost everything, to make sure they are getting the support they need.

ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS ACT OF 2013

The PRESIDING OFFICER. Under the previous order the Senate will resume consideration of S. 1392, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1392) to promote energy savings in residential buildings and industry, and for other purposes.

Pending:

Wyden (for Merkley) amendment No. 1858, to provide for a study and report on standby usage power standards implemented by States and other industrialized nations.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT CORRECTION

Mr. DURBIN. Madam President, it is one thing for a politician to say he misspoke and another for most ordinary people to say they got it wrong.

I made a statement on the floor of the Senate earlier this morning which turns out was not entirely accurate, and I would like to clarify it and correct it for the RECORD.

I was recounting the history of the Social Security Program created by Franklin Roosevelt in 1935, and recounted that it faced a filibuster in the Senate. I mistakenly believed it was a Republican filibuster when in fact it was a filibuster by Senator Huey Long, a nominal Democrat, who was filibustering because of his support of certain agricultural subsidies. I want the RECORD to be clear the filibuster to delay or in any way impact the implementation of Social Security was in fact by Senator Long, not a Republican filibuster.

I also note the information I used on the floor was derived from a book which I am reading entitled "Citizens of London" by Lynne Olson, and it is no reflection on her that I got that fact wrong. I remembered it wrong when I spoke to it on the floor.

The Washington Post is going to go to great lengths tomorrow to explain my other errors in my statement, and I acknowledge I could have done more research before coming to the floor,

but I stand by the premise that the notion we are somehow going to filibuster the Affordable Care Act to delay its implementation is not in the best interests of the United States. If this bill or law needs amendment or repair, let's do it on a bipartisan basis, rather than voting 41 times, as they have in the House, to abolish it.

I also believe it is valuable for this country to face the cost of health care. If we are going to deal with America's debt and deficit, we have to acknowledge that 60 percent of it relates to health care costs. The Republican side has not come up with any alternative to deal with this health care crisis. We believe the President's legislation—which I proudly supported—is a step in the right direction. It can be improved. I will work to improve it. But simply saying we are not going to allow it to be implemented is not a positive effort to improve the situation in America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, as bipartisan discussions go on over the next hour or two on the important Shaheen-Portman energy efficiency legislation, I wish to take a few minutes to outline where we are, why this bill is so important, and how it is going to affect energy policy deliberations generally.

I appreciate the work of colleagues on both sides of the aisle. I see Senators from both sides who I believe would very much like to see Democrats and Republicans work on an agreement to move forward on the Shaheen-Portman legislation.

When you look at this bill, it is almost the platonic ideal of how consensus legislation ought to work in the Senate. You have in effect a bipartisan Energy and Natural Resources Committee. We are very pleased the Presiding Officer has joined the committee very recently.

This bipartisan committee, taking a piece of bipartisan legislation authored by Senators SHAHEEN and PORTMAN, two of our most thoughtful Senators—took their bill to the floor of the Senate and hour after hour the bill got more bipartisan, starting with the distinguished Senators INHOFE and CARPER, who came with a thoughtful amendment with respect to thermal energy. The list went on and on. Senatorial pair after senatorial pair came to the floor and said they wanted to show law-making 101 is Democrats and Republicans working together in a bipartisan way and to respond to what we have heard Americans say all during the summer break. No matter what part of the country you are from, the message was the same: Go back and deal with the important issues for the economy. Let us expand the winner's circle in a middle-class-driven economy. That is what this legislation does. It is going to help create jobs, it is going to allow consumers to save money through practical energy sav-

ings, and it is going to increase American productivity.

It is an extraordinary coalition that has assembled for Senator SHAHEEN and Senator PORTMAN's legislation: Business Roundtable, National Association of Manufacturers, and environmental groups, public interest organizations—an incredible breadth of support for this bill.

What I have been struck by in discussions, particularly over the last 24 hours, is this question: OK, the Senate is now finally on energy legislation. We actually did a major bill right before the August recess, the hydropower bill. Hydropower is the biggest source of clean power in the country right now, 60,000 megawatts, essentially, of potential production delivery out of that legislation. But this is the first bill to actually be on the floor of the Senate since 2007.

A number of Senators have said we have got this huge pent-up demand to work on energy, and now we have scores of amendments coming in on this bill—perhaps as many as 60 amendments that Senators want to offer. Obviously, we could probably be here until New Year's Eve working on this legislation if we have scores of amendments coming in. What I have tried to tell Senators is, We can't do everything under the Sun—literally and figuratively—with respect to this bill and still be able to move on to other subjects. We would not be able to deal with the continuing resolution and a whole host of other issues the Senate has to tackle. So there has to be some limits.

My hope is that agreement can be worked out on several of the issues Senators have felt most strongly about. Then if Senators REID and MCCONNELL can work out an agreement to have a finite number of amendments that will address energy issues, hopefully bipartisan, we can then move to a vote on energy efficiency. It seems to me there is no reason why, theoretically, that could not be done this week. If we have votes on a couple of these issues through a procedural agreement that would address what Senators have been debating over the last few days and then the leaders come up with a finite list of amendments on the other issues, we could finish this bill this week. I think it is important for the institution to do so.

I say to Senators who want to debate a variety of energy issues that deal with, for example, the EPA, we can't do all of those issues on this bill. The energy committee doesn't have jurisdiction over those issues. Those are going to come up. On some of what Senators are most concerned about, the government hasn't even acted yet. In other words, it is one thing to have a response from the Senate after an agency has acted. On some of these matters, the agency hasn't even acted yet. So it ought to be possible to find a path forward that would allow for votes on several issues that have been